

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

ETHICON ENDO-SURGERY, INC.,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Case No.: 1:07-CV-834
HOLOGIC, INC.,	:	The Honorable Michael R. Barrett
	:	
and	:	
	:	
SUROS SURGICAL SYSTEMS, INC.,	:	
	:	
Defendants.	:	

AGREED MOTION OF DISMISSAL

Plaintiff Ethicon Endo-Surgery ("EES") and Defendants Hologic Inc., and Suros Surgical Systems, Inc. ("Hologic") respectively move the Court for approval and entry of the attached Order of Dismissal between the Parties. EES has agreed to dismiss its complaint and claims against Hologic with prejudice as to the products at issue in this suit; and Hologic has agreed to dismiss its counterclaims and complaint for declaratory judgment against EES with prejudice as to the products at issue in this suit. The Parties have entered into a written Settlement Agreement that resolves the issues between them in this case. The Parties have agreed that each party shall bear its own costs, expenses and attorney's fees.

s/David E. Schmit

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s/James E. Burke

(per e-mail authorization on 2/18/10)

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